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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/599,000

06/22/2000

Arlin R. Davis

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EXAMINER

MEW, KEVIN D

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

04/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

sf

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/599,000	Applicant(s) DAVIS, ARLIN R.	
	Examiner Kevin Mew	Art Unit 2616	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-33.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

Seema S. Rao
 SEEMA S. RAO 4/12/07
 SUPERVISORY PATENT EXAMINER
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Acknowledgement is made of the incorporation of all of the limitations of claim 2 into claim 1, claim 24 into claim 21, and claim 30 into claim 27.

Applicant argued on page 2, second paragraph of the Remarks that Forin fails to teach "the second physical address is embedded within the first physical address" as recited in claim 6, the examiner respectfully disagrees. It is noted that Fig. 6, box 610 of the drawings of the instant application admitted that the act of mapping "a local physical address to a global physical address" is one way of performing embedding "the local physical address to a global physical address." Since Forin discloses mapping a virtual memory address to the physical memory address, as described in col. 18, lines 3-7, it reads on the limitations of "the second physical address (physical memory address) is embedded within the first physical address (virtual memory address; note that virtual memory address is mapped to physical memory address)."

Applicant further argued on page 3, last paragraph of the Remarks that the Regnier reference fails to establish a prima facie case of obviousness, the examiner respectfully disagrees. In this case, the motivation to combine Regnier with the primary reference Forin, which is to use the physical address of the remote node to specify the physical location of the remote node to which data messages are transferred, can be found on page 8, lines 2-4 of the previous Office action, and on page 4, claim 12, lines 58-67 and page 5, lines 1-4 of the Regnier reference.

Acknowledgement is made of the newly added limitations "wherein the local physical address is embedded in the global physical address of the second node" into claim 33. The limitations newly added into claim 33 are analogous to the limitations previously presented in claim 2. Since claim 2 was rejected in the previous Office action, the newly added limitations in claim 33 will be rejected the way claim 2 was previously rejected. As the amended claims 1, 14, 21, 27, 31 and 33 recite limitations/features similar to those recited in claim 6, they are not patentably distinct from Forin for reason analogous to that presented in the paragraph above.

In light of the foregoing, claims 6-7, 10, 13 stand rejected under 35 U.S.C. 102(e) as being anticipated by Forin (USP 6,321,276), claims 1-5, 8-9, 12, 31-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Forin et al. (USP 6,321,276) in view of Regnier et al. (US Publication 2002/0062402), and claims 14, 17-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Forin et al. (USP 6,321,276) in view of Regnier, and in further view of Nguyen et al. (US Publication 2002/0016926).